

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

TRIAL NOTICE AND SCHEDULING ORDER

FEBRUARY 2026 TERM

THE HONORABLE Timothy M Cain, Chief United States District Judge for the District of South Carolina presiding

****This jury selection and trial will be conducted in Greenville, South Carolina****

Time and Location

Jury Selection: Tuesday, February 17, 2026, at 9:00 AM in the Carroll A. Campbell, Jr. United States Courthouse, 250 East North Street Greenville, South Carolina

Jury Trial: Tuesday, February 17, 2026, in the Carroll A. Campbell, Jr. United States Courthouse **immediately following jury selection.**

To provide for an orderly and expeditious disposition of the cases on the trial calendar, counsel and/or pro se parties must comply with the following provisions and deadlines:

Pretrial Disclosures

Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be filed and exchanged between the parties no later than **December 22, 2025**.

Objections. No later than **January 5, 2026**, the parties shall exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6). The attorneys shall attempt to resolve the objections if possible.

Amended Rule 26(a)(3) Disclosures. By **January 12, 2026**, the parties shall file with the court amended Rule 26(a)(3) pretrial disclosures identifying any unresolved objection to any pretrial

disclosure and the basis for such objection, including objections to proposed deposition designations and any proposed counter-designations.

*No amended disclosures shall be filed after January 12, 2026, without leave of court for good cause.

Trial Exhibits

Exhibit Meet & Exchange. Attorneys for each side shall, no later than **January 5, 2026**, meet for the purpose of exchanging and marking all exhibits to be used at trial, and, where possible, agree on the admissibility of all trial exhibits. Failure to meet, mark and exchange exhibits may be deemed a waiver of the right to use such exhibits.

Objections. The attorneys must file with the court of any objections to proposed trial exhibits no later than **January 12, 2026**. Any objection not raised will be deemed waived.

Final Trial Exhibit and Witness List. Regardless of whether the court has ruled on related objections, each side shall email its Exhibit and Witness List (AO form 187) (available at www.scd.uscourts.gov, Forms/Other Forms/Exhibit Witness List AO 187) to cain_ecf@scd.uscourts.gov by **January 26, 2026**. All exhibits listed shall be deemed admitted for all purposes unless the Court denies admission based on objections previously submitted to the court as set out above.

Marked Exhibit Copies are also due on **January 26, 2026**. Attorneys must submit three bound and tabbed paper copies to chambers.

Motions in Limine

Motions in limine must be filed by **December 29, 2026**.

Responses must be filed by **January 5, 2026**.

Replies must be filed by **January 7, 2026**.

Trial Briefs

Trial Briefs are due no later than 11:00 a.m. on **January 16, 2026**.

Briefs must be e-mailed in MS Word format to chambers at cain_ecf@scd.uscourts.gov and to Kay McAlister at Kay_McAlister@scd.uscourts.gov, in accordance with Rule 26.05 of the Local Rules.

Requests to Charge

All Requests to Charge, along with all objections thereto, shall be submitted in a single document to the court by email to cain_ecf@scd.uscourts.gov in MS Word format no later than **January 19, 2026**, in accordance with the procedure set forth in Chief Judge Cain's Standing Order of May 19, 2016, which can be found on the Court's website at www.scd.uscourts.gov, Judges/District

Judges/Cain/Form Orders & Operational Orders. The single set of proposed jury instructions should contain numbered joint requests to charge as well as objected-to requests, in sequential order with no duplicate numbers. An example of the proper format is attached hereto as Attachment 1. Requests to charge shall not be filed.

*The court will not consider any requests to charge or objections to requests to charge filed after January 19, 2026.

Verdict Forms

Proposed verdict forms, and any objections thereto, must be submitted at the same time and in the same format as the requests to charge.

Jury Selection

Juror Questionnaires Prior to Jury Selection. Pursuant to Local Rule 47.02 the Court will submit detailed written interrogatories to the jury venire. The responses to these questionnaires will be available only to counsel of record beginning on **February 10, 2026**. An explanation of how to access the questionnaires via CM/ECF is attached hereto as Attachment 2.

The interrogatories set forth in the juror questionnaires will not be repeated at jury selection.

Requests for Voir Dire. The parties shall submit proposed voir dire questions to the court by email at cain_ecf@scd.uscourts.gov in MS Word format no later than 11:00 a.m. on **January 19, 2026**. These documents shall not be filed.

The parties shall meet prior to the January 19 deadline and jointly submit any voir dire instructions they agree upon. For any proposed voir dire questions upon which the parties do not agree, the parties should submit supplemental voir dire requests.

*The court will not consider any voir dire requests submitted after January 19, 2026.

Strikes for Cause. All strikes for cause must be submitted jointly by email to the Clerk's office at filingdocs_ecf_gren@scd.uscourts.gov and to chambers at cain_ecf@scd.uscourts.gov no later than 11:00 a.m. on **February 12, 2026**.

Electronic Courtroom Presentation System

Attorneys are required to use the Electronic Courtroom Presentation System during trial. It is the attorneys' responsibility to learn to operate this system prior to trial. Attorneys who desire training must contact the court clerk no later than **January 30, 2026**, to arrange a time for training at the trial location.

Consent to Disposition by Magistrate Judge

In accordance with the provisions of 28 U.S.C. 636(c), you are hereby notified that the United States Magistrate Judges of the District Court, in addition to their other duties, may, upon consent of all parties in a civil case, and with the approval of the District Judge, conduct any or all proceedings, including a Jury or Non-Jury trial, and order the entry of a final judgment. The

Magistrate Judge normally has more flexibility concerning jury selection and trial dates than the District Judge.

Deadline for Consenting to Trial Before Magistrate Judge. The completed consent form must be submitted to the Clerk's Office no later than **February 2, 2026**.

Notification of Settlement

If cases are settled, please notify Kay McAlister in the Clerk's Office immediately at (864) 241-2707 or Amy Ruttgers at (864) 241-2702.

Costs. When a civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, then, except for good cause shown, all juror's costs, including marshal's fees, mileage, and per diem, may be assessed equally against the parties and their counsel or otherwise assessed as directed by the court, unless the clerk's office is notified at least one full business day prior to the date on which the action is scheduled for trial. Notification to the clerk's office is necessary in order to notify jurors that their presence will not be required.

Judge Cain's Standing Orders

The parties' attention is directed to Judge Cain's operational orders which can be found on the Court's website at www.scd.uscourts.gov, see Judges/District Judges/Cain/Form Orders & Operational Orders. Parties are expected to be familiar with these orders and comply with them.,

BY DIRECTION OF THE COURT
ROBIN L. BLUME, CLERK

case # **7-22-cv-03738-TMC, Dawsey v. Bayerische Motoren Werke Aktiengesellschaft et al.**

Kelly Dawsey
Plaintiff

Brian P. Murphy
Attorney

vs

Bayerische Motoren Werke Aktiengesellschaft
collectively d/b/a BMW Group

Duke K. McCall, III
Kurt M. Rozelsky
Daniel S. Savrin
Nathaniel P. Bruhn
Attorneys

BMW Manufacturing Co LLC
collectively d/b/a BMW Group
Defendants

D. Randle Moody, II
Ellison F. McCoy
Mallory H. Gantt
Attorneys

Jury Selection: Tuesday, February 17, 2026, at 9:00 AM

Jury Trial: Tuesday, February 17, 2026 immediately following jury selection through Friday, February 27, 2026.

Attachment 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION
CIVIL ACTION NO. [REDACTED]

[REDACTED],
[REDACTED],

Plaintiffs,

ex rel. [REDACTED],

Plaintiff-Relator,

v.

[REDACTED],
[REDACTED],

Defendants.

JOINT REQUEST
TO CHARGE NO.: 3

State Analogues

State law claims may be brought pursuant to supplemental jurisdiction. The Colorado Medicaid False Claims Act and Georgia False Medicaid Claims Act closely track the federal FCA. South Carolina Medical Assistance Provider Fraud authorizes civil recoveries of damages for false claims received by the state's Medicaid Program. [REDACTED]

[REDACTED]

Sources: 31 U.S.C. §§ 3729-30; Jury Instructions, *United States ex rel. Drakeford v. Tuomey*, No. 3:05-2858-MBS, Dkt. No. 810 at 6 (D.S.C. May 8, 2013); Jury Instructions, *United States ex rel. Bunk v. Birkart Globistics GMBH & Co.*, No. 1:02-cv-1168, Dkt. No. 1312-3 at 26 (E.D. Va. Aug. 1, 2014). O.C.G.A. § 49-4-168, *et seq.*; Colo. Rev. Stat. Ann. § 25.5-4-305, *et seq.* (2013); *McDonald v. People*, 494 P.3d 1123, 1128 (Colo. 2021); *Lipman v. Georgia*, 884 S.E.2d 115, 118 (Ga. Ct. App. 2023). S.C. Code Ann. § 43-7-60(E) (1976).

██████████:	<u>NGC</u>	(Attorneys' initials)
██████████:	<u>LNJ</u>	
██████████:	<u>JCC</u>	
██████████:	<u>TBS</u>	
Defendant ██████████:	<u>JAS</u>	

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION
CIVIL ACTION NO. [REDACTED]

[REDACTED],

Plaintiffs,

ex rel. [REDACTED],

Plaintiff-Relator,

v.

[REDACTED],

Defendants.

PLAINTIFFS' SUPPLEMENTAL
REQUEST TO CHARGE NO.: 4

False Claims Act Liability

In this case, there are three ways in which a defendant may be found liable for violating the False Claims Act, the Colorado Medicaid False Claims Act, and the Georgia False Medicaid Claims Act.

First, a defendant may be found liable for knowingly submitting or causing the submission of a false or fraudulent claim to the Governments.

Second, a defendant may be found liable for knowingly making, using, or causing to be made or used, a false record or statement that is material to a false or fraudulent claim.

Third, a defendant may be found liable for conspiring with one or more other persons to submit or cause the submission of a false or fraudulent claim.

Sources: 31 U.S.C. § 3729(a)(1)(A)–(C); Jury Instructions, *United States ex rel. Drakeford v. Tuomey*, No. 3:05-2858-MBS, Dkt. No. 810 at 11 (D.S.C. May 8, 2013); Jury Instructions, *United States ex rel. Bunk v. Birkart Globistics GMBH & Co.*, No. 1:02-cv-1168, Dkt. No. 1312-3 at 27 (E.D. Va. Aug. 1, 2014); Jury Instructions, *United States v. AllQuest Home Mortgage Corp.*, No. 4:12-cv-2676, Dkt. No. 434 at 5–6 (S.D. Tex. Nov. 18, 2016); O.C.G.A § 49-4-168.1; Colo. Rev. Stat. Ann. § 25.5-4-305(1).

DEFENDANT’S OBJECTION: [REDACTED] objects to the above-referenced proposed jury instruction on the basis that it is legally inaccurate, misleading and/or confusing to the jury, incomplete, and prejudicial to [REDACTED]. [REDACTED] further objects to the extent that the proposed instruction deviates from the Bluewave Jury Instructions adopted by this Court. *See* Bluewave Jury Instructions, at pp. 2951-2956.

[REDACTED]:	<u>NGC</u> (Attorneys’ initials)
[REDACTED]:	<u>LNJ</u>
[REDACTED]:	<u>JCC</u>
[REDACTED]:	<u>TBS</u>
[REDACTED]:	<u>JAS</u>

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION
CIVIL ACTION NO. [REDACTED]

[REDACTED],
[REDACTED],

Plaintiffs,

ex rel. [REDACTED],

Plaintiff-Relator,

v.

[REDACTED],
[REDACTED],

Defendants.

JOINT REQUEST
TO CHARGE NO.: 5

South Carolina Medical Assistance Provider Fraud

Similar to the federal False Claims Act and the Colorado and Georgia state analogues, a defendant may be found liable under the South Carolina Medical Assistance Provider Fraud Statute for knowingly and willfully making or causing to be made a false claim, statement, or representation of a material fact to the South Carolina Medicaid Program.

Source: S.C. Code Ann. § 43-7-60(B) (1976)

[REDACTED]
[REDACTED]

[REDACTED]:	<u>NGC</u>	(Attorneys' initials)
[REDACTED]:	<u>LNJ</u>	
[REDACTED]:	<u>JCC</u>	
[REDACTED]:	<u>TBS</u>	
Defendant [REDACTED]:	<u>JAS</u>	

Attachment 2**How to Access Juror Questionnaires via CM/ECF**

Supplemental Juror Questionnaires and lists will be uploaded into CM/ECF as a padlocked event seven days prior to jury selection and made electronically available to counsel of record only. To obtain access, counsel must file the revised Juror Questionnaire/List Request Form in the case, using the event: Certification – Juror Questionnaire and List Request, found under Other Filings – Trial Documents. Counsel will no longer obtain copies from the designated copy services across the district.

The juror questionnaires and lists and the information obtained therefrom are privileged and shall be kept confidential and shall not be shared with anyone other than the US Attorney or Federal Public Defender organization without written consent of the United States District Court. This information shall be used solely for evaluating potential jurors for service in this case and shall not be used for any other purpose. Further, the requesting party must certify, before access will be granted, that immediately after trial, he or she will destroy all copies, whether paper or electronic, of completed juror questionnaires, juror lists, and any other documents containing information obtained from the complete juror questionnaires. Failure to adhere to the above requirements would be in violation of 28 U.S.C. § 1867(f) and the District of South Carolina's Amended Jury Selection Plan Order.

THESE INTERROGATORIES WILL NOT BE REPEATED AT JURY SELECTION.